

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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DENNIS L. MONTGOMERY,	:	Civ. Action 15 Misc. 0363
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
SIMON & SCHUSTER,	:	
	:	
and	:	
	:	
PRISCILLA PAINTON,	:	DECLARATION OF
	:	BRUCE S. ROSEN, ESQ.
and	:	
	:	
TINA BENNETT,	:	
	:	
Defendants.	:	
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BRUCE S. ROSEN, ESQ., of full age, upon my oath, declares as follows:

1. I am an attorney at law admitted to practice law in the State of New York, a member of the bar of the Southern District of New York, and director at the firm of McCusker, Anselmi, Rosen & Carvelli, P.C., the attorneys for Simon & Schuster, Inc. and Priscilla Painton (“S&S Non-parties”) in the above-captioned matter.

2. I submit this declaration in opposition to the “Emergency Motion to Compel Non-parties Tina Bennett, Priscilla Painton and Simon & Schuster to Comply with Properly-served Subpoenas and Motion to Take the Depositions by Videoconference and Request for Emergency Telephonic Hearing.” I further submit this declaration in support of S&S Non-parties’ Emergent Motion to Quash.

3. Attached hereto as Exhibit A is a true and correct copy of a November 6, 2015

email chain by and between Larry Klayman and Andrew Nieh, and photograph of mail sent to Mr. Nieh by Mr. Klayman.

4. Attached hereto as Exhibit B is a true and correct copy of the word index of the June 19, 2015 Deposition of James Risen in a matter captioned Montgomery v. Risen, et al., Case No. 15-cv-20782 (S.D. Fla.).

5. Attached hereto as Exhibit C is a true and correct copy of the Affidavit of Priscilla Painton.

6. Attached hereto as Exhibit D is a true and correct copy of the Affidavit of Christopher Reyes.

7. Attached hereto as Exhibit E is a true and correct copy of the Affidavit of Sophia Jimenez.

8. Attached hereto as Exhibit F is a true and correct copy of a “Motion for Extension of Time to Resent Discovery Deadline” filed in a matter captioned Montgomery v. Risen, et al., Case No. 15-cv-20782 (S.D. Fla.).

9. Attached hereto as Exhibit G is a true and correct copy of the Affidavit of Tracy Woelfel.

I hereby certify that the foregoing statements made by me are true to the best of my knowledge, information, and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 19, 2015

McCUSKER, ANSELM, ROSEN &
CARVELLI, P.C.

By: _____

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Painton*